

ESTTA Tracking number: **ESTTA775754**

Filing date: **10/10/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212653
Party	Plaintiff Nautica Apparel, Inc.
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Submission	Other Motions/Papers
Filer's Name	John M. Rannells
Filer's e-mail	jmr@br-tmlaw.com
Signature	/John M. Rannells/
Date	10/10/2016
Attachments	Motion for Reconsideration copy.pdf(112056 bytes)

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10, 2016, the day after the deposition was noticed for. Opposer attempted, on a number of occasions, to communicate with Applicant's counsel regarding the matter including the following which was previously briefed:

5/20/16 Email to Mr. Negretti with . . . motion to reopen and extend and with copy of Notice of Taking Testimony of Opposer's witness; and requesting Mr. Negretti's availability.

No response

6/8/16 Call to Mr. Negretti to arrange conference call with Interlocutory Attorney regarding outstanding motions to extend/reopen; was told that Mr. Negretti would call me back.

No response

6/8/16 Email to Mr. Negretti advising of call to Interlocutory Attorney; advising that the deposition was being adjourned; advising that I would be filing a new motion to suspend pending resolution of pending motions.

No response

6/9/16 Applicant's due date to respond/object to Opposer's Motion to Reopen.

No response filed by Applicant.

6/10/16 Applicant filed a Motion for Involuntary Dismissal

6/10/16 TTAB Order suspending proceeding pending decision on (1) Opposer's Motion to Reopen and (2) Applicant's Motion for Involuntary Dismissal

As per the correspondence to Applicant's attorney, the June 9th testimony deposition was adjourned. Accordingly, the testimony of Opposer's witness did not take place.

On June 10, 2016, Applicant filed a motion for involuntary dismissal of the opposition.

On the same day, June 10, 2016, the Board suspended the proceedings for the purpose of

resolving (1) Opposer's May 20, 2016 motion to reopen trial, and 2) Applicant's June 10, 2016 motion for involuntary dismissal of opposition.

On June 17, 2016, Opposer filed its response and objection to Applicant's motion for involuntary dismissal and also requested therein (see pg. 13) that "Opposer's motion to reopen should be granted with new trial dates set by the Board." Opposer requested that new trial dates be set by the Board, meaning the close of Opposer's trial period (in order to take the deposition of Opposer's witness) and all subsequent dates.

On September 12, 2016, the Board ruled on the pending motions, granting Opposer's motion to reopen and denying Applicant's motion for involuntary dismissal. The Board also reset dates, but reset dates beginning with Applicant's Pretrial Disclosures.

Opposer requests that the Board reconsider its decision as regards the trial reset dates, to include a period for Opposer's testimony in order to take the testimony of its witness, Opposer requested the dates be reset in its response dated June 17, 2016 and assumed that the Board would reset it's time to take the testimony of Opposer's witness. Opposer has never lost interest in the case and seeks only to take and submit the testimony of its on witness, Margaret Bizzari.

Opposer prays for reconsideration of the prior order to permit Opposer time to take the referenced testimony deposition.

Respectfully submitted,

BAKER and RANNELLS, PA

/John M. Rannells/
By: John M. Rannells

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion for Reconsideration of the Board's Order dated September 12, 2016 was sent to attorneys for Applicant this 10th day of October, 2016 via email (ginonegretti@gmail.com) and via first class mail, postage prepaid, to the following:

GINO NEGRETTI LAW OFFICES
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CARIBBEAN TOWERS, STE. 17
SAN JUAN, PR 00907-3207

/John M. Rannells/
John M. Rannells